

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

AARON REYNOLDS,)	
)	
Plaintiff,)	
)	
v.)	Case No.: 15-cv-6524
)	
MCHENRY POWER EQUIPMENT, INC. et al.,)	
)	Honorable Harry D. Leinenweber
Defendant.)	

JOINT MOTION FOR SETTLEMENT APPROVAL

Plaintiff Aaron Reynolds (“Plaintiff”) and Defendant McHenry Power Equipment (“Defendant”), by and through their respective counsel, jointly move the Court to approve the settlement agreed to by the parties and submitted to chambers for *in camera* review. In support of this Motion, the parties state as follows:

1. On July 27, 2015, Plaintiff filed his Complaint in this matter asserting overtime claims against his former employer McHenry Power, INC and Arthur Gurda under the Fair Labor Standards Act, 29 U.S.C. §§201, *et seq.* (“FLSA”) and the Illinois Minimum Wage Law, 820 ILCS 115/1 *et seq.* (“IMWL”). [ECF No. 1]. Defendants filed Answer and Affirmative Defenses denying the substantive allegations on January 12, 2016. [ECF No. 12].
2. The parties recognize that *bona fide* disputes exist with respect to the extent of the Defendants’ liabilities to Plaintiff, if any. After arms-length negotiations and the exchange of substantive information, the parties have agreed to a compromise between them in order to avoid the expense, inconvenience, uncertainty and delay of further litigation.
3. As part of the parties’ settlement discussions, they have exchanged a substantial amount of documentary information relating to Plaintiff’s work history, hours and compensation as well

as information applicable to Plaintiff and others in his job category. After both sides reviewed and analyzed the relevant information, the parties engaged in arms-length negotiations by and through counsel. The parties have now reached a mutually satisfactory settlement which all parties agree represents a fair and reasonable compromise of any and all of Plaintiff's claims, including but not limited to said claims under the FLSA and IMWL, for alleged back wages, including any applicable overtime, arising from his employment with McHenry Power Equipment, INC.

4. When employees bring a private action against their former employer for alleged back wages under the FLSA, and the parties present to the district court a proposed settlement, the district court may enter a stipulated judgment dismissing the case after scrutinizing the settlement to ensure that it is a fair and reasonable resolution of a *bona fide* dispute over wages under the FLSA and IMWL. *See Walton v. United Consumers Club, Inc.*, 786 F.2d 303, 306 (7th Cir. 1986); *Lynn's Food Stores v. United States*, 679 F.2d 1350, 1355 (11th Cir. 1982).

5. Submitted herewith to chambers, for *in camera* review by the Court, is the Settlement Agreement entered into between Defendants and Plaintiff, as well as a draft Order Approving Settlement. Due to the negotiated confidentiality provisions contained therein, the parties respectfully request that this Settlement Agreement not become part of the record in this case.

6. The parties further jointly request that the Court approve the Settlement Agreement because it is a fair and reasonable resolution of *bona fide* disputes over wages under the FLSA and the IMWL.

7. In addition, the parties request that the Court dismiss this case with prejudice pursuant to the terms of the Settlement Agreement. The parties have also submitted a proposed order to that effect.

WHEREFORE, for the foregoing reasons, the Parties respectfully request that this Court enter an Order approving the Settlement Agreement as a fair and reasonable resolution of *bona fide* disputes under the FLSA and the IMWL.

DATED: OCTOBER 17, 2016.

Respectfully submitted,

By: Terrence Buehler
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One of the Attorneys for Aaron Reynolds

DATED: OCTOBER 17, 2016.

Respectfully submitted,

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Attorneys for McHenry Power Equipment, INC

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that on October 17, 2016, the foregoing ***Joint Motion for Settlement Approval*** was filed electronically with the Clerk of Court using the ECF system, which sent notification of such filing to:

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/s/ Terrence Buehler